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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,304	04/28/2004	Zhaoxia Xu		3303
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ZHAOXIA XU 4694 SYCAMORE DR. YPSILANTI, MI 48197				
			EXAMINER	
			BEAUCHAINE, MARK J	
			ART UNIT	PAPER NUMBER
			3653	
			MAIL DATE	DELIVERY MODE
			01/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/709,304

Applicant(s)

XU ET AL.

Examiner

Mark J. Beauchaine

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/28/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Objections

Claims 2, 3, 5, 7, 16, 17, 19 and 21 are objected to because of the following informalities:

The use of optional and/or suggestive language "that does not require steps to be preformed or [] does not limit a claim to a particular structure" fails to limit the scope of the claim. (See M.P.E.P 2111.04.) The term "adapted for" (claim 2, lines 2 and 3; claim 3, line 3; claim 5, line 2; claim 7, line 2; claim 16, line 2; claim 17, line 2; claim 19, line 2; and claim 21, line 2) is optional and/or suggestive, and thus, claim language subject to said terms is given no patentable weight.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 11-17 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent Number 4,588,047 by de Reynal de Saint Michel ("Michel") in view of Patent Number 5,553,934 by Wells et al ("Wells") in view of Patent Number US 6,244,164 B1 by Perez Gonzalvo et al ("Gonzalvo"). The restaurant disclosed by Michel is operated such that a dining area 2 being defined by a restaurant, dining tables 10, dining seats 6, a food frying apparatus that includes open-top container 14 and heating apparatus/bottom heating element 13 and is disposed on said dining tables (see Figures 1-3), and raw food are provided wherein diners are provided with options to select among said raw foods and to cook various customized dishes to their own preference (see column 3, lines 12-33).

Michel fails to disclose additive ingredients. Wells teaches a restaurant that is operated by providing additive foods to a diner (see Figure 1 and column 6, lines 55-64) for the purpose of permitting a diner to individually customize a dish to a diner's preference.

Michel fails to disclose a stirring device/power-drive assembly configuration. Gonzalvo teaches food preparation apparatus comprising power-driven stirring device

34 that is operated by stirring foods within container 10 (see Figure 7 and column 3, lines 6-44), and a control device, a switch circuit and a timing circuit that automatically de-energizes said power-drive assembly at the end of repeated stirring cycles for a predetermined dwell period (see column 5, lines 18-41) for the purpose of evenly heating foods being prepared by the apparatus. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the stirring device of Gonzalvo into the frying apparatus of Reynal for the purpose of evenly heating foods being prepared by the apparatus.

Claims 4-7 and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynal in view of Wells in view of Gonzalvo as applied to claims 1 and 15 above, and further in view of Patent Number US 6,370,513 B1 by Kolawa et al ("Kolawa"). Reynal/Wells/Gonzalvo fails to disclose a recipe-storing computer. Kolawa teaches computer 10 that is provided to store various recipes 50 in recipe brochure 876 that is provided to diners such that diners can access said recipes (see Figures 5 and 15; and column 3, lines 5-13, and column 4, line 63 through column 5, line 9) for the purpose of permitting diners to cook various dishes by themselves based on said recipes. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the computer configuration of Kolawa into the restaurant of Reynal/Wells/Gonzalvo for the purpose of permitting diners to cook various dishes by themselves based on said recipes.

Claims 8 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynal in view of Wells in view of Gonzalvo as applied to claims 1 and 23 above, and further in view of Patent Number 5,743,173 by Hayashi et al ("Hayashi").

Reynal/Wells/Gonzalvo fails to disclose a lid/heating element configuration. Hayashi teaches food heating device 10 that is provided to stand on a flat surface and comprises over-head heating element 3 and lid 5 that is hingedly installed at an upper position of housing 1 (see Figures 1-3 and column 5, lines 36-52) for the purpose of evenly heating food being cooked by said apparatus. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the over-head heating element of Hayashi into the restaurant configuration of Reynal/Wells/Gonzalvo for the purpose of evenly heating food being cooked within said restaurant.

Claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynal in view of Wells in view of Gonzalvo in view of Hayashi as applied to claims 8 and 22 above, and further in view of Patent Number US 6,450,085 B1 by Riesselmann ("Riesselmann"). Reynal/Wells/Gonzalvo/Hayashi fails to disclose a heat-insulating housing. Riesselmann teaches a food cooking apparatus that is provided with housing 6 for heat insulation of said apparatus (see Figure 2 and column 3, lines 40-45) for the purpose of retaining heat within said apparatus. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the heat-insulating housing of Riesselmann into the restaurant configuration of Reynal/Wells/Gonzalvo/Hayashi for the purpose of retaining heat within said apparatus.

Claims 10 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynal in view of Wells in view of Gonzalvo in view of Hayashi in view of Riesselmann as applied to claims 9 and 23 above, and further in view of Patent Number 4,064,796 by Jones ("Jones"). Reynal/Wells/Gonzalvo/Hayashi/Riesselmann fails to disclose a venting/filtering configuration. Jones teaches a food cooking apparatus that is provided with venting device 49 having filtering means 59 (see Figure 4 and column 4, lines 31-54) for the purpose of regulating the flow of air into and out of said apparatus. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the venting device of Jones into the restaurant configuration of Reynal/Wells/Gonzalvo/Hayashi/Riesselmann for the purpose of regulating the flow of air into and out of said apparatus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark J. Beauchaine whose telephone number is (571)272-6934. The examiner can normally be reached on 8:00AM through 5:00PM Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick H. Mackey can be reached on (571)272-6916. The fax phone


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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mjb


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